Remarks

Claims 1-12 and 14-44 are now pending in this application. Claims 1-40 are rejected. Claim 13 has been canceled without prejudice, waiver, or disclaimer. Claims 41-44 have been newly added. Claims 1, 5-9, 14, 17, 20, 22-24, 30, 34, 36, and 39 have been amended. No new matter has been added.

In accordance with 37 C.F.R. 1.136(a), a three-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated July 30, 2003 for the above-identified patent application from November 30, 2003 through and including January 30, 2003. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of $950.00 to cover this extension of time request also is submitted herewith. In addition, an authorization to charge the deposit account for the newly added claims has been submitted herewith. Moreover, an authorization to charge a deposit account for the newly added claims is submitted herewith.

The rejection of Claim 13 under 35 U.S.C. §112, second paragraph is respectfully traversed. Claim 13 has been canceled. Accordingly, Applicants respectfully request that the rejection of Claim 13 under 35 U.S.C. §112, second paragraph be withdrawn.

The rejection of Claims 1-29 under 35 U.S.C. § 103(a) as being unpatentable over "At a Glance Features Table" available at E-commerce-guide.com, referred to as E-commerce, in view of Teresko et al., "Calico Technology: Coincinity configuration/quotation system", Industry Week (1996), referred to as Teresko et al., is respectfully traversed.

E-commerce describes a Calico eSales InfoGuide that is a standard interface to a session, pointing buyers to different data sources based on specific situations (paragraph 5). For instance, the InfoGuide can point a buyer to information about a complementary product or toward a suitable alternative (paragraph 5).

Teresko et al. describe Calico's software that is designed to handle product complexity often associated with a business-to-business market – as well as such consumer products as insurance (paragraph 6). Employing a "user-guiding behavior" approach, it can walk a customer through a series of questions to configure an order (paragraph 6). It also allows users to select invalid combinations of options to discover where earlier selections conflict with a desired choice (paragraph 6).

Claim 1 recites a method for facilitating selection of a product for an electrical distribution and control system using a network-based system including a server and at least one device connected to the server via a network, the method comprising the steps of "receiving product specification information from a user via the device; comparing the received product specification information with pre-stored product information; determining whether a portion of the received product specification information is compatible with remaining portions of the received product specification information; providing stored information regarding upgrades of the product on determining that the portion is incompatible with the remaining portions; selecting at least one product which matches the received product specification information; and downloading information related to the selected product."

Neither E-commerce nor Teresko et al., considered alone or in combination, describe or suggest a method for facilitating selection of a product for an electrical distribution and control system using a network-based system including a server and at least one device connected to the server via a network, the method including the steps of receiving product specification information from a user via the device, comparing the received product specification information with pre-stored product information, determining whether a portion of the received product specification information is compatible with remaining portions of the received product specification information, providing stored information regarding upgrades of the product on determining that the portion is incompatible with the remaining portions, selecting at least one product which matches the received product specification information, and downloading information related to the selected product.

Specifically, neither E-commerce nor Teresko et al., considered alone or in combination, describe or suggest providing stored information regarding upgrades of the product on determining that the portion of the received product specification information is incompatible with the remaining portions. Rather, E-commerce describes pointing a buyer to information about a complementary product or toward a suitable alternative and Teresko et al. describe allowing users to select invalid combinations of options to discover where earlier selections conflict with a desired choice. Accordingly, the combination of E-commerce and Teresko et al. does not teach providing stored information regarding upgrades as recited in Claim 1. For the reasons set forth above, Claim 1 is submitted to be patentable over E-commerce in view of Teresko et al.

Claim 13 has been canceled. Claims 2-12 and 14-16 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-12 and 14-16 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-12 and 14-16 likewise are patentable over E-commerce in view of Teresko et al.

Claim 17 recites a system for facilitating selection of a component for an electrical distribution and control product, the system comprising "a device; and a server connected to said device and configured to: receive component information data from a user via said device, the received component information data including at least one of a feature of the component and an accessory of the component; determine whether a portion of the received component information data is compatible with remaining portions of the received component information data; provide information regarding upgrades of the electrical distribution and control product on determining that the portion is incompatible with the remaining portions; and identify stored component information data that matches the received component information data entered by the user."

Neither E-commerce nor Teresko et al., considered alone or in combination, describe or suggest a system for facilitating selection of a component for an electrical distribution and control product, the system including a device, and a server connected to the device and configured to receive component information data from a user via the device, the received component information data including at least one of a feature of the component and an accessory of the component, determine whether a portion of the received component information data is compatible with remaining portions of the received component information data, provide information regarding upgrades of the electrical distribution and control product on determining that the portion is incompatible with the remaining portions, and identify stored component information data that matches the received component information data entered by the user.

Specifically, neither E-commerce nor Teresko et al., considered alone or in combination, describe or suggest a server configured to provide information regarding upgrades of the electrical distribution and control product on determining that the portion of the received component information data is incompatible with the remaining portions. Rather, E-commerce describes pointing a buyer to information about a complementary product or toward a suitable alternative and Teresko et al. describe allowing users to select invalid combinations of options to discover where earlier selections conflict with a desired

choice. Accordingly, the combination of E-commerce and Teresko et al. does not teach a server configured to provide information regarding upgrades as recited in Claim 17. For the reasons set forth above, Claim 17 is submitted to be patentable over E-commerce in view of Teresko et al.

Claims 18-29 depend, directly or indirectly, from independent Claim 17. When the recitations of Claims 18-29 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 18-29 likewise are patentable over E-commerce in view of Teresko et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-29 be withdrawn.

The rejection of Claims 30-40 under 35 U.S.C. § 103(a) as being unpatentable over E-commerce in view of Teresko et al., and further in view of Geller et al. (U.S. Patent 5,844,554) is respectfully traversed.

E-commerce and Teresko et al. are described above.

Geller et al. describe configuration options, e.g. a car's sound system options, that can be defined by applying multiple constraints (column 26, lines 6-8). For example, "Standard" could be a valid entry for all products defined by a discrete constraint (column 26, lines 8-10). "CD Player" could be a valid option for most models, defined by a list constraint. Other options that are particular to a certain product line could be defined by an additional discrete constraint, or in the example mentioned, a query constraint, with data being derived from an external database (column 26, lines 11-15).

Claim 30 recites a computer programmed to "prompt a user to select a component of an electrical distribution and control product; prompt the user to provide information required to generate a component recommendation for the product; determine whether a portion of the user provided information is compatible with remaining portions of the user provided information; instruct to display a message that the portion is incompatible with the remaining portion on determining that the portion is incompatible with the remaining portions; and generate the recommendation using the user provided information."

None of E-commerce, Teresko et al., or Geller et al., considered alone or in combination, describe or suggest a computer programmed to prompt a user to select a component of an electrical distribution and control product, prompt the user to provide information required to generate a component recommendation for the product, determine whether a portion of the user provided information is compatible with remaining portions of the user provided information, instruct to display a message that the portion is incompatible with the remaining portion on determining that the portion is incompatible with the remaining portions, and generate the recommendation using the user provided information.

Specifically, none of E-commerce, Teresko et al., or Geller et al., considered alone or in combination, describe or suggest a computer programmed to instruct to display a message that a portion of the user provided information is incompatible with the remaining portions on determining that the portion is incompatible with the remaining portions. Rather, E-commerce describes pointing a buyer to information about a complementary product or toward a suitable alternative, Teresko et al. describe allowing users to select invalid combinations of options to discover where earlier selections conflict with a desired choice, and Geller et al. describe defining options that are particular to a certain product line by applying constraints. Accordingly, the combination of E-commerce, Teresko et al., and Geller et al. does not teach the computer configured to instruct to display the message recited in Claim 30. For the reasons set forth above, Claim 30 is submitted to be patentable over E-commerce in view of Teresko et al. and further in view of Geller et al.

Claims 31-35 depend, directly or indirectly, from independent Claim 30. When the recitations of Claims 31-35 are considered in combination with the recitations of Claim 30, Applicants submit that dependent Claims 31-35 likewise are patentable over E-commerce in view of Teresko et al. and further in view of Geller et al.

Claim 36 recites apparatus comprising "means for prompting a user to select a component for an electrical distribution and control product; means for prompting the user to provide information regarding the selected component; means for determining whether a portion of the information is compatible with remaining portions of the information; means for displaying a message that the portion is incompatible with the remaining portion on determining that the portion is incompatible with the remaining portions; and means for transmitting to the user a recommendation for a particular component."

None of E-commerce, Teresko et al., or Geller et al., considered alone or in combination, describe or suggest apparatus comprising means for prompting a user to select a component for an electrical distribution and control product, means for prompting the user to provide information regarding the selected component, means for determining whether a portion of the information is compatible with remaining portions of the information, means for displaying a message that the portion is incompatible with the remaining portion on determining that the portion is incompatible with the remaining portions, and means for transmitting to the user a recommendation for a particular component.

Specifically, none of E-commerce, Teresko et al., or Geller et al., considered alone or in combination, describe or suggest means for displaying a message that the portion is incompatible with the remaining portion on determining that the portion is incompatible with the remaining portions. Rather, E-commerce describes pointing a buyer to information about a complementary product or toward a suitable alternative, Teresko et al. describe allowing users to select invalid combinations of options to discover where earlier selections conflict with a desired choice, and Geller et al. describe defining options that are particular to a certain product line by applying constraints. Accordingly, the combination of E-commerce, Teresko et al., and Geller et al. does not teach the means for displaying the message recited in Claim 36. For the reasons set forth above, Claim 36 is submitted to be patentable over E-commerce in view of Teresko et al. and further in view of Geller et al.

Claims 37-40 depend from independent Claim 36. When the recitations of Claims 37-40 are considered in combination with the recitations of Claim 36, Applicants submit that dependent Claims 37-40 likewise are patentable over E-commerce in view of Teresko et al. and further in view of Geller et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 30-40 be withdrawn.

Moreover, Applicants respectfully submit that the Section 103 rejections of Claims 1-29 and 30-40 are not proper rejections. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of E-commerce, Teresko et al., or Geller et al., considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office

16

Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine E-commerce with Teresko et al. or Geller et al. because there is no motivation to combine the references suggested in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejections are based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, E-commerce teaches pointing a buyer to information about a complementary product or toward a suitable alternative, Teresko et al. teach allowing users to select invalid combinations of options to discover where earlier selections conflict with a desired choice, and Geller et al. teach defining options that are particular to a certain product line by applying constraints. Since there is no teaching nor suggestion in the cited art for the combinations, the Section 103 rejections appear to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejections of Claims 1-29 and 30-40 be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejections of Claims 1-29 and 30-40 be withdrawn.

Newly added Claim 41 depends from independent Claim 1, which is submitted to be in condition for allowance and is patentable over the cited art. For at least the reasons set forth above, Applicants respectfully submit that Claim 41 is also patentable over the cited art.
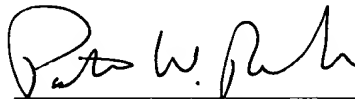
Newly added Claim 42 depends from independent Claim 17, which is submitted to be in condition for allowance and is patentable over the cited art. For at least the reasons set forth above, Applicants respectfully submit that Claim 42 is also patentable over the cited art.

Newly added Claim 43 depends from independent Claim 30, which is submitted to be in condition for allowance and is patentable over the cited art. For at least the reasons set forth above, Applicants respectfully submit that Claim 43 is also patentable over the cited art.

Newly added Claim 44 depends from independent Claim 36, which is submitted to be in condition for allowance and is patentable over the cited art. For at least the reasons set forth above, Applicants respectfully submit that Claim 44 is also patentable over the cited art.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

Patrick W. Rasche
Registration No. 37,916
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070

300

Figure 15

Outdoor Current Instrument Transformer

Rating and Construction

Please select the following features:

Bit
[10] [▼] kV — 302

Frequency
[50-60] [▼] Hz — 304

Accuracy
[0.3] [▼] — 306

Assembly Options
[without conduit box] — 308

GE Recommends:

[✕]

Features Selected:
- Bit: 10 kV
- Frequency: 50-60 Hz
- Accuracy: 0.3
- Assembly options: without conduit box

310

Continue — 312

Outdoor Current Selector
Leads to the Outdoor current instrument transformer selector page

More information on Instrument Transformer

314

320

Figure 16

Outdoor Current Instrument Transformer

Application Information

Please select the following features:

Construction
[Windows ▾]
322

Size
[1 1/8" diameter ▾]
324

Base:
[with low base ▾]
326

Thermal Rating
[4.0 ▾]
328

Current Ratio
[100:5 ▾]
330

GE recommends these Instrument Transformer(s) based on your
selections:

332

Catalog No	Price	Outline Drawing	Select
750X034073	$108.00	9930813	
750X034074	$112.00	9930814	

Figure 5

300

310

314

Outdoor Current Instrument Transformer

Rating and Construction

Please select the following features:

BIL
10 ▼ kV

Frequency
50-60 ▼ Hz

Accuracy
0.3 ▼

Assembly Options
without conduit box

302

304

306

308

312

GE Recommends:

☒

Features Selected:
- BIL: 10 kV
- Frequency: 50-60 Hz
- Accuracy: 0.3
- Assembly options: without conduit box

Continue

Outdoor Current Selector
Leads to the Outdoor current instrument transformer selector page

More information on Instrument Transformer

320

Figure 16.

Outdoor Current Instrument Transformer

Application Information

Please select the following features:

Construction
[Windows ▾] — 322

Size
[1 1/8" diameter ▾] — 324

Base
[with low base ▾] — 326

Thermal Rating
[4.0 ▾] — 328

Current Ratio
[100:5 ▾] — 330

GE recommends these Instrument Transformer(s) based on your selections:

Catalog No.	Price	Outline Drawing	Select
750X034073	$108.00	9930813	go
750X034074	$112.00	9930814	go

332